

do not
ask
in 12/1/07
HIN

REMARKS

In the Office Action dated March 27, 2007, Claims 41 and 45 are rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite. Claims 38-41, 44-45 and 48-50 are rejected as allegedly lacking enabling and descriptive support.

In the Amendment Under 37 C.F.R. § 1.121 dated September 27, 2007, Applicants addressed each of the Examiner's rejections. In connection with Applicants' response to the rejection under 35 U.S.C. §112, second paragraph, Applicants stated that Applicants intended to submit a §1.132 Declaration to provide additional support for Applicants' position. Applicants hereby submit a Declaration of Dr. Nicos A. Nicola under 37 C.F.R. §1.132, together with Exhibits 1-6.

Specifically, Dr. Nicola stated in the Declaration that it is his opinion that that in light of the instant disclosure, those skilled in the art would understand the terms "mature form" and "soluble form" in reference to a human NR4 polypeptide. See paragraph 4 of the Declaration. Dr. Nicola discussed the disclosures in the specification relating to mature and soluble forms of murine and human NR4 proteins, and methods that were available prior to the filing of the present application for determining the structures of soluble and mature forms of an NR4 protein. Dr. Nicola concluded that it is his scientific opinion that through means available in the art, coupled with the disclosure of the mature and soluble forms of murine NR4, and the similarity and alignment between the murine and human protein sequences, those skilled in the art would have been able to readily determine the signal sequence and trans-membrane regions of the human NR4 protein, thereby determining the structures of the soluble and mature forms of the

do mr
els
12/21/09
Pia

human NR4 protein, at the time the present application was filed. See paragraph 15 of the Declaration.

To facilitate the Examiner's review of the Declaration, Applicants have also enclosed copies of Figures 7(i)-7(x) of the present application, in which human and murine NR4 protein sequences are aligned.

In view of the Amendment dated September 27, 2007 and further in view of the Declaration, Applicants respectfully submit that the rejection under 35 U.S.C. §112, second paragraph, is overcome. Withdrawal of the rejection is respectfully requested.

Accordingly, it is firmly believed that the subject application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,



Xiaochun Zhu
Registration No. 56,311

Scully, Scott, Murphy & Presser, P. C.
400 Garden City Plaza-STE 300
Garden City, NY 11530
(516) 742-4343
XZ/ZY:ab

Encls.:

- Declaration of Dr. Nicos A. Nicola together with Exhibits 1-6;
- Copies of Figures 7(i)-7(x).